

Faculty Handbook

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2.8 Separation

Saint Mary's College of California

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2.8. SEPARATION

2.8.1. Resignation

Termination of an Appointment by the Faculty Member

A faculty member may resign his or her appointment, usually effective at the end of the academic year. The member should give notice in writing of his or her intention to resign or not accept a renewal as soon as possible, but not later than May 1st or within thirty (30) days of receiving the contract for the coming year, whichever occurs later.

Resignation

Resignation of a faculty member is presumed if the annual contract is not signed and returned to the President within the stipulated time. An earlier notification is strongly urged.

2.8.2. Retirement of Tenured Faculty Members

1. A tenured faculty member intending to retire should inform the College of his/her intention at least one year prior to the expected retirement date.
2. A faculty member considering retirement should consult the Personnel Office on procedures regarding social security, as well as TIAA-CREF illustrations of projected income and other benefits under the College's retirement plan, six months in advance of expected retirement date.
3. A TIAA-CREF participant shall initiate procedures for receipt of retirement income benefits by writing directly to TIAA-CREF. Payment of benefits to any individual who continues to be an employee of the College, and participate in the retirement plan, is subject to terms established by TIAA-CREF.
4. Retirement plan contributions are made by the College for faculty with academic rank (Instructor, Assistant Professor, Associate Professor or Full Professor) from their eligibility date, as long as they continue to work and to contribute to the plan, until termination of employment.

2.8.2.1. Retirement of Part-time Faculty Members

Part-time faculty are subject to the College's retirement procedures (see 2.8.2.)

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2.8.2.2. Retirement Program

All faculty with the rank of Instructor, Assistant Professor, Associate Professor or Professor are eligible to participate in the TIAA-CREF retirement program after one year of service and age 21, immediately if they already own individual, fully vested TIAA-CREF annuity contracts. The College contributes 7 1/2% of the employee's monthly salary and the employee is not required to contribute. A tax-deferred option is available for those faculty who wish to reduce their taxable income by \$25.00 or more, up to limits established by the Internal Revenue Service, and a Reduced Services plan for full-time faculty is also available. Benefits are payable upon retirement or in a lump sum if the employee does not attain retirement age, with some restrictions. Voluntary additional contributions are known as Supplemental Retirement Annuities, and are made on a tax-deferred basis. Supplemental Annuity contracts allow a loan provision and lump sum distribution at termination. Full and part-time faculty may contribute to the TIAA-CREFF program at any time. The College permits the voluntary selection of other alternative carriers for Supplemental Retirement Annuities only.

Applications and Salary Reduction Agreements are available from the Personnel Office and must be completed before any contributions from either the employer or the employee can begin.

2.8.3. Non-reappointment

2.8.3.1. Notice of Non-reappointment, Full-time Faculty

Non-reappointment: The decision not to renew the term appointment of a full-time faculty member, before he/she has become eligible for tenure is made by the Academic Vice President in consultation with the Dean of the candidate's School and with his/her department chairperson.

- 1) The Academic Vice President may secure advice from the Rank and Tenure Committee on a possible non-reappointment of a full-time faculty member not eligible for tenure.
- 2) Following interim review(s) the Rank and Tenure Committee may recommend non-reappointment to the Academic Vice President, in which case the Rank and Tenure Committee will notify the candidate's Dean and department chairperson of the Rank and Tenure Committee recommendation.
- 3) The full-time faculty member not eligible for tenure may appeal the decision by the Academic Vice President not to renew to the College Grievance Committee in the manner in which an appeal is made on the grounds of inadequate consideration or allegations of violations of academic freedom (see 2.16.1.).

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2.8.3.1. Notice of Non-reappointment. Full-time Faculty (continued)

Faculty appointments of a clearly temporary or limited character are so described in the letter of appointment ordinarily issued by the Academic Vice President. The Standards of Notice below do not apply to such appointments (e.g., Visiting Professors, one-year appointments, sabbatical or disability replacements, etc.).

Standards of Notice for Probationary Appointments

- 1) Full-time faculty members in their first academic year of service must be notified of non-reappointment or intention to recommend non-reappointment not later than March 1st of that year or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination.
- 2) Full-time faculty members in their second year of service must be notified of non-reappointment or of intention to recommend non-reappointment not later than December 15th of that year or, if the appointment terminates during the academic year, at least six months in advance of its termination.
- 3) Full-time faculty members in their third year or later of academic service must be notified of non-reappointment or of intention to recommend non-reappointment at least twelve months in advance of the expiration of their appointments.

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2.8.4. Termination of Appointment by College

Termination of an Appointment by the College

Termination of a tenured or probationary appointment or temporary appointment before the end of the specified term will be by the President for adequate cause, as follows:

- 2.8.4.1. Financial Exigency: Termination may result because of a state of financial exigency which threatens the survival of the College. An appropriate faculty-administration committee determines that a bona fide case of financial exigency exists. The faculty members of the committee must be approved by the Academic Senate. A committee approved by the faculty should, according to established criteria, identify those to be terminated. Any faculty member identified as one to be terminated has a right to a review hearing. Every effort will be made to place the member in another suitable position in the College. The terminated faculty member will be given notice or severance salary by taking into account the length and quality of service. If, during a three-year period, the position is reopened, the terminated faculty member will have the option of assuming his or her former position.
- 2.8.4.2. Discontinuance of Program or Department not Mandated by Financial Exigency: The decision to discontinue a program or a department will be based essentially on educational considerations. The appropriate council will examine the evidence and recommend action. Before a faculty member is notified of the intention to terminate, every effort will be made to place the member concerned in another suitable position. A faculty member may request a review hearing regarding his or her termination or relocation. Severance salary will be offered.
- 2.8.4.3. Medical Reasons: Termination will be based on clear and convincing medical evidence that the member cannot continue to fulfill the terms and conditions of appointment. The evidence will be reviewed by the College Rank and Tenure Committee if requested by the faculty member. Severance salary will be offered.
- 2.8.4.4. Failure to Observe Conditions for Leave of Absence: If a faculty member fails to observe conditions mutually agreed upon in writing for leave of absence, he or she will be subject to a hearing to determine whether there is cause for termination of appointment.

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2.8.4. Termination of Appointment by College (continued)

2.8.4.5. Unfitness: Manifest unfitness to perform in a professional capacity; for example, incompetency, dereliction of duty, immoral conduct in the performance of his or her duty, etc., as determined after formal procedures as defined in the AAUP Handbook (the American Association of University Professors Policy Documents and Reports, 1977. A copy of pertinent documents of the AAUP is on file in the College Library).

2.8.4.6. Canonical Status Change: Utterances or actions by a faculty member (who, when appointed, was a Christian Brother, or a member of another religious order or cleric, and who has changed his or her canonical status), which impugn or repudiate the Catholic ideals or aims of the College or of the Brothers of the Christian Schools as determined after a formal hearing by a suitable committee of academic peers.

Recommended Institutional Regulations, AAUP Policy Documents and Reports, 1990, will apply in all the above cases.

2.8.5. Dismissal for Cause

Dismissal

- 1) The dismissal of a tenured faculty member or a non-tenured member whose term of appointment has not been completed must be for cause.
- 2) A part-time faculty member may be dismissed before the end of the contract if the College believes that he/she exhibits a manifest unfitness to perform in a professional capacity.
- 3) In all cases of dismissal, the procedure described in the "Statement on Procedural Standards in Faculty Dismissal Proceedings" of the AAUP Policy Documents and Reports should be followed.